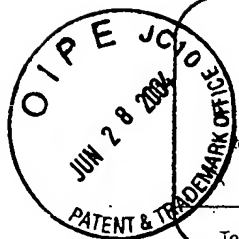


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PTO/SB/21 (02-04)

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<b>TRANSMITTAL FORM</b> <small>to be used for all correspondence after initial filing)</small>	Application Number	10/812,680
	Filing Date	March 30, 2004
	First Named Inventor	David C. Boyer et al.
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	02274/6622AUS

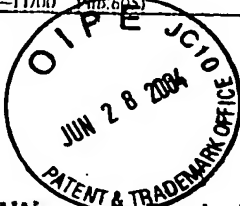
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Alter Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Catherine B. Martineau, Esq. Emch, Schaffer, Schaub & Porcello Co., L.P.A.
Signature	<i>Catherine B. Martineau</i>
Date	23 June 2004

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Kathy A. Hower	
Signature	<i>Kathy A. Hower</i>	Date 6/23/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO in process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Practitioner's Docket No. 02274/6622AUS**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

the specification of which is being transmitted herewith

**OR**In re application of: David C. Boyer et al.Application No.: 0 10 / 812,680 Group No.:Filed: March 30, 2004 Examiner:For: USE OF ANTI STRIP AGENTS TO IMPROVE  
WEAR CHARACTERISTICS OF PAVEMENT SEALERAssistant Commissioner for Patents  
Washington, D.C. 20231**INFORMATION DISCLOSURE STATEMENT****CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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Kathy A. Hower  
Kathy A. Hower

(type or print name of person certifying)

(Information Disclosure Statement [6-1]—page 1 of 15)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

(1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

(3) Before the mailing date of a first Office action on the merits; or

(4) Before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(d).

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement; discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☒ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

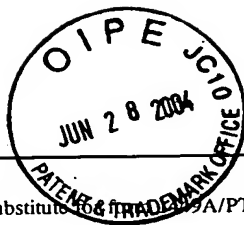
(Information Disclosure Statement [6-1]—page 2 of 15)

**Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.



Substitute for PTO/A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/812,680
Filing Date	March 30, 2004
First Named Inventor	David C. Boyer et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	02274/6622AUS

Sheet

of

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NumberKind Code (if known)			
		US- 2,623,831	12/30/1952	Mikeska	
		US- 2,673,164	03/23/1954	Hughes et al.	
		US- 2,737,509	03/06/1956	Jelling	
		US- 2,937,106	05/17/1960	Carpenter et al.	
		US- 2,978,342	04/04/1961	Lefebvre	
		US- 3,047,414	07/31/1962	Katz	
		US- 3,085,891	04/16/1963	Butter	
		US- 3,096,191	07/02/1963	Pitchford	
		US- 3,096,192	07/02/1963	Pitchford	
		US- 3,108,971	10/29/1963	Mertens	
		US- 3,129,106	04/14/1964	Katz	
		US- 3,347,690	10/17/1967	Galvin et al.	
		US- 3,861,933	01/21/1975	Doi	
		US- 3,928,061	12/23/1975	Hellsten et al.	
		US- 3,963,509	06/15/1976	Doi et al.	

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Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			Complete if Known		
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			Filing Date	March 30, 2004	
			First Named Inventor	David C. Boyer et al.	
			Group Art Unit		
			Examiner Name		
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		NumberKind Code (if known)			
		US- 4,036,661	07/19/1977	Graf et al.	
		US- 4,038,096	07/26/1977	Graf et al.	
		US- 4,038,102	07/26/1977	Hellsten et al.	
		US- 4,173,489	11/06/1979	Crawford et al.	
		US- 4,383,081	05/10/1983	Grossi et al.	
		US- 4,430,127	02/07/1984	Dalter et al.	
		US- 4,430,465	02/07/1984	Abbott	
		US- 4,542,068	09/17/1985	Whichard	
		US- 4,543,158	09/24/1985	Bondoc et al.	
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		US- 4,717,614	01/05/1988	Bondoc et al.	
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		US- 4,724,003	02/09/1988	Treybig et al.	

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Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
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		NumberKind Code (if known)			
		US- 4,743,304	05/10/1988	Gilmore et al.	
		US- 4,755,545	07/05/1988	Lalwani	
		US- 4,765,839	08/23/1988	Treybig et al.	
		US- 4,781,490	11/01/1988	Jelling	
		US- 4,786,329	11/22/1988	Chang et al.	
		US- 4,789,402	12/06/1988	Kostusyk	
		US- 4,795,661	01/03/1989	Bondoc et al.	
		US- 4,806,166	02/21/1989	Schilling et al.	
		US- 4,824,606	04/25/1989	O'Lenick, Jr. et al.	
		US- 4,825,616	05/02/1989	Bondoc et al.	
		US- 4,835,929	06/06/1989	Bondoc et al.	
		US- 4,836,857	06/06/1989	Hopkins	
		US- 4,839,404	06/13/1989	Chang et al.	
		US- 4,851,500	07/25/1989	Lalwani et al.	
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		NumberKind Code (if known)			
		US- 4,867,750	09/19/1989	O'Lenick Jr., et al.	
		US- 4,886,554	12/12/1989	Woodring et al.	
		US- 4,895,600	01/23/1990	Chang et al.	
		US- 4,900,589	02/13/1990	Montgomery	
		US- 4,917,764	04/17/1990	Lalwani et al.	
		US- 4,923,712	05/08/1990	Gladfelter et al.	
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		US- 4,992,315	02/12/1991	Zickell et al.	
		US- 5,011,726	04/30/1991	Chich et al.	
		US- 5,017,230	05/21/1991	Hopkins et al.	
		US- 5,055,135	10/08/1991	Grube et al.	
		US- 5,110,674	05/05/1992	Grube et al.	
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		US- 5,164,002	11/17/1992	Ballenger, Jr. et al.	

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		NumberKind Code (if known)			
		US- 5,224,990	07/06/1993	Vicenzi et al.	
		US- 5,234,494	08/10/1993	Swatzky et al.	
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		US- 5,511,899	04/30/1996	Pavelek, II	
		US- 5,512,093	04/30/1996	Huege et al.	
		US- 5,519,073	05/21/1996	van der Werff et al.	
		US- 5,545,278	08/13/1996	Chen et al.	
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		NumberKind Code (if known)			
		US- 5,667,576	09/16/1997	Chatterjee et al.	
		US- 5,667,577	09/16/1997	Chatterjee et al.	
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		US- 5,670,562	09/23/1997	Schilling	
		US- 5,772,749	06/30/1998	Schilling et al.	
		US- 5,776,234	07/07/1998	Schilling	
		US- 5,820,663	10/13/1998	Miller et al.	
		US- 6,027,558	02/22/2000	Little et al.	
		US- 6,267,809	07/31/2001	Boyer et al.	
		US- 6,361,591 B1	03/26/2002	Boyer et al.	
		US- 6,383,365 B1	05/07/2002	Boyer et al.	
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				Group Art Unit	
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		OfficeNumber Kind Code (if known)						
			WO9856858		Schermer et al.	12/17/19 88		

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				Application Number	10/812,680
				Filing Date	March 30, 2004
				First Named Inventor	David C. Boyer et al.
				Group Art Unit	
				Examiner Name	
Sheet		of		Attorney Docket Number	02274/6622AUS

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		D.G. TUNNICLIFF; Performance of antistripping additives; Association of Asphalt Paving Technologists Annual Meeting (Salt Lake City 3/17-19/1997)/Proceedings of the Association of Asphalt Paving Technologists V66:344-78 (1997); Abstract	
		J.C. PETERSON, H. PLANCHER; Model studies and interpretive review of the competitive adsorption and water displacement of petroleum asphalt chemical functionalities on mineral aggregate surfaces; Petroleum Science and Technology (ISSN 10916466) V16 1-2:89-131 (January-February 1998); Abstract	
		SOMOGYVARI A P; ZANZOTTO L.; JEFFRIES R B; The anti-stripping properties of basic nitrogen in hydrocracked resid[ue]s; Fuel Science & Technology International (ISSN 0884-3759) V10 N.4-6 531-47 (May-July 1992); Abstract	
		R.C.G. HASS, E. THOMPSON, F. MEYER, G.R. TESSIER; The Role Of Additives In Asphalt Paving Technology; Proc. Assoc. Asphalt Paving Technol. V.52 PP.324-45 1984; Abstract	
		R.L. DUNNING, G.O. SCHULZ AND W.F. GAWRON; Control Of Stripping With Polymer Treatment Of Aggregates; Asphalt Paving Technology, v.62, J. of the Assoc. of Asphalt Paving Technologists, From The Proceedings Of Technical Sessions; Austin, Texas; March 22-24, 1993; Abstract	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Complete if Known	
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				Examiner Name	
Sheet		of		Attorney Docket Number	02274/6622AUS

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		H.W. BUSCHING, J.M. ALEWINE, S.N. AMIRKHANIAN, J.L. BURATI and M.O. FLETCHER; Effects Of Selected Asphalts And Antistrip Additives On Tensile Strength Of Laboratory-Compacted Marshall Specimens ... A Moisture Study; Proc. Assoc. Asphalt Paving Technol. V.55 PP.120-48 Assoc. Asphalt Paving Technol. Tech. Sessions (Clearwater Beach, FLA. 2/17-19/86) 1986; Abstract	
		T.W. KENNEDY, W.V. PING; An evaluation of effectiveness of antistripping additives in protecting asphalt mixtures from moisture damage; Association of Asphalt Paving Technologists Meeting (Seattle 3/4-6/91) Proceedings of the Association of Asphalt Paving Technologist V60 230-63 (1991); Abstract	
		Y.W. JEON, C.W. CURTIS, B.M. KIGGUNDU; An investigation of the effect of (precoating) antistripping (AnS) agents on silica adsorption of asphalt functionalities; Fuel Science and Technology International (ISSN 0884-3759) V8 N.3 241-70 (1990); Abstract	
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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/812,680
				Filing Date	March 30, 2004
				First Named Inventor	David C. Boyer et al.
				Group Art Unit	
				Examiner Name	
Sheet		of		Attorney Docket Number	02274/6622AUS

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		I. ISHAI, Y.A. TUFFOUR; The use of propane-precipitated asphalt (PPA) in bituminous paving mixtures; Assoc. Asphalt Paving Technol. Tech. Sessions (Reno, NV 2/23-25/88) Proc. Assoc. Asphalt Paving Echnol. V56-599-631 (1987); Abstract	
		ROHM AND HAAS COMPANY; Pave® 192 Asphalt Additive; 7/99 – 4 pages	
		Morton Material Safety Data Sheet; Pave® 192 Asphalt Additive; 4/7/99 – 6 pages	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

**Section 6. Copies of Listed Information Items Accompanying This Statement**

**NOTE:** 37 C.F.R. § 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include:  
"A legible copy of:

- (i) Each U.S. patent application publication and U.S. and foreign patent;
- (ii) Each publication or that portion which caused it to be listed;
- (iii) For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion. . ."

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

- ☒ Exception(s) to above:
- ☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
  - ☐ Cumulative patents or publications identified in Section 5.
  - ☒ All US patents listed on pages 4 & 9 herein.

(Information Disclosure Statement—Section 6. Copies of Listed Information Items Accompanying  
This Statement [6-1]—page 14 of 15 )

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

*(check each applicable item)*

- (a) ☐ the Inventor(s) who signs below

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

- ☒ supplied by the inventor(s).  
☒ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))  
☒ in the practitioner's file.

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Catherine B. Martineau  
SIGNATURE OF PRACTITIONER

Catherine B. Martineau  
*(type or print name of practitioner)*

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Toledo, OH 43697-0916

(Information Disclosure Statement—Section 10. Identification of Person(s) Making This Information Disclosure Statement [8-1]—page 15 of 15)